

Department of Human Services
Division of Rehabilitation Services
Division of Service to the Blind and Visually Impaired

Program Guide
DRS/DSBVI 2008-01
April 7, 2008

TO: ALL DRS/SBVI Staff

FROM: Gaye Mattke, SBVI Director
Grady Kickul, DRS Director

SUBJECT: Residency Requirement for VR Applicants and Individuals being
Served by Multiple State Public VR Agencies.

This Program Guide replaces DRS/DSBVI 00-11 on October 10, 2000 and is effective immediately and provides policy and clarification on the requirement that eligible Division of Rehabilitation Services (DRS) or Service to the Blind and Visually Impaired (SBVI) consumers must be present and available in the State. This program guide has been revised to provide guidance on the possibility of multiple state public vocational rehabilitation programs serving one individual. Also added to this policy is the requirement that applicants of vocational rehabilitation are able to be authorized to work in the United States.

Residency Requirement for VR Applicants

An application for vocational rehabilitation will be considered valid if the applicant is present and available for services. The applicant must also be considered "countable" for census purposes and "includable" for per capita income purposes. The following statement is from an RSA Memorandum clarifying their position on this policy requirement.

"It is RSA's opinion, supported by the Office of the General Counsel, that an individual applying for services must give indications of being present in a State in such a way that he/she would be considered "countable" for census purposes and "includable" for per capita income purposes in the State. Such indications would be for example, the paying of State income taxes, maintaining a domicile, voting in the State, etc. The rationale for this position is that the United States Congress has determined that a State's annual allotment under the VR program shall be based on its population count and per capita income as identified by the United States Census Bureau. Individuals who temporarily enter a State for the sole purpose of receiving services with the intent of returning to their own State after receiving the services are not considered "countable" or "includable" for the census or per capita income purposes and, therefore, need not to be served by the State they enter."

Individuals Receiving Services from Multiple State Public Vocational Rehabilitation Programs

In certain instances, individuals with disabilities can receive services at the same time from more than one State public vocational rehabilitation program. Individuals with disabilities can also have an open case at the same time between DRS, SBVI or another State VR agency. Individuals can be served by DRS or SBVI if their previous case is closed with another State VR agency. In these situations, the appropriate Assistant Director needs to be contacted to help arrange coordination of services from the other State VR Agency. Individuals who have a joint case with 121 Native American Programs may also have an open case with DRS or SBVI.

Individuals Receiving Services from 121 Native American VR Projects

Individuals with disabilities may have an open case jointly with a 121 Native American VR Program and either DRS or SBVI.

Individuals Who Are Unauthorized to Work in the United States

Applicants who apply for vocational rehabilitation services will be found ineligible if they are unable to be authorized to work in the United States, as this means that they will be unable to benefit in terms of an employment outcome from vocational rehabilitation services. To be authorized to work in the United States, an individual must meet the requirements outlined in the US Citizenship and Immigration Services I-9 "Employment Eligibility Verification" form.

Exceptions and handling these cases

Individuals interested and applying for vocational rehabilitation services cannot be denied an application. If the individual is not "present and available the case should be closed from application as "All other Reasons". If a unique situation arises when applying this policy to an individual's situation, clarification and requests for approval would be submitted to the DRS or SBVI Assistant Director. The appropriate Division Director will review the request and make a determination of the situation.

If you have any questions on the content of this policy, please contact the State Office.